CITY OF MARTINSBURG
MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) PROGRAM
INSPECTION REPORT

August 2014

U.S. Environmental Protection Agency, Region III
Water Protection Division
Office of NPDES Enforcement (3WP42)
1650 Arch Street
Philadelphia, PA 19103

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EXECUTIVE SUMMARY

From May 20 through May 21, 2014, a compliance inspection team comprising staff from the U.S. Environmental Protection Agency (EPA) Region 3, and EPA's contractor, Eastern Research Group, Inc. (ERG), inspected the municipal separate storm sewer system (MS4) program of the City of Martinsburg, West Virginia (Martinsburg or the City). Staff from the West Virginia Department of Environmental Protection Agency (WVDEP) were present during the inspection.

The purpose of this inspection was to obtain information that will assist EPA in assessing Martinsburg's compliance with the requirements of WV's General NPDES Water Pollution Control Permit for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems (MS4) as well as the implementation status of its current Stormwater Management Program.

Based on the information obtained and reviewed, EPA's compliance inspection team made several observations concerning Martinsburg's MS4 program related to the specific permit requirements evaluated. Table 1 below summarizes the permit requirements and the observations made by the inspection team.

Table 1. Summary of Permit Requirements and Inspection Observations

	Observations
Part II.C.b.3. Illicit Discharge Detection and Elimination	**Observation 1:** At the time of the inspection, Martinsburg did not have an updated map of the storm sewer system that included the location of all outfalls, receiving waters, structural stormwater BMPs owned, operated, or maintained by the City, known connections, and stormwater conveyances within the MS4 watershed. **Observation 2:** It appears, Martinsburg has not enacted a stormwater fee or provided separate stormwater specific funding for its Illicit Discharge Detection and Elimination program. **Observation 3:** At the time of the inspection, potable water from the truck filling station at the Kilmer Springs Water Treatment Plant flowed into a trench drain connected to the MS4 and discharged to the Tuscarora Creek. **Observation 4:** It appears Martinsburg is not implementing or utilizing the enforcement provisions of its ordinance to eliminate illicit discharges. **Observation 5:** At the time of the inspection, Martinsburg was not implementing a program to detect and address non-stormwater discharges, spills, illicit connections and illegal dumping into the permittees MS4.

Table 1. Summary of Permit Requirements and Inspection Observations

Observations	
	Observation 6: At the time of the inspection, Martinsburg did not have procedures that outline how to characterize the nature of illicit discharges, trace the source of an illicit discharge, and remove the source of an illicit discharge.
Part II.C.b.4 – Controlling Runoff from Construction Sites	**Observation 7:** It appears Martinsburg does not have procedures for routine inspections of permitted construction sites during construction to verify proper installation and maintenance of required erosion and sediment controls. **Observation 8:** It appears Martinsburg does not provide standard operating procedures (SOPs) to the construction inspectors for conducting erosion and sediment control inspections and verifying proper installation and maintenance of required erosion and sediment controls. **Observation 9:** At the time of the inspection, Martinsburg had not developed procedures for keeping records of all regulated construction activities within its MS4, of inspection reports, warning letters, or any other enforcement documentation. **Observation 10:** It appears Martinsburg does not have staff dedicated to overseeing ESC inspections for the city-owned construction project at the Martinsburg Wastewater Treatment Plant (WWTP).
Part II.C.b.5 – Controlling Runoff from New Development and Redevelopment	**Observation 11:** At the time of the inspection, Martinsburg did not have a tracking system for its stormwater management BMPs. **Observation 12:** At the time of the inspection, Martinsburg had not developed an inspection calendar for stormwater BMPs so that all stormwater BMP's are inspected at least once during the permit cycle. . **Observation 13:** At the time of the inspection, stormwater BMP inspection reports did not include complete information.
Part II.C.b.6 – Pollution Prevention & Good Housekeeping for Municipal Operations	**Observation 14:** At the time of the inspection, Martinsburg had not developed and implemented an operation and maintenance program that incorporates good housekeeping components at all municipal facilities. **Observation 15:** Except for the Recycling Center/Salt Storage Facility, Martinsburg has not established and implemented an inspection schedule for municipal facilities to determine if maintenance standards are being met.

Table 1. Summary of Permit Requirements and Inspection Observations

	Observations
	Observation 16: Except for the Recycling Center/Salt Storage Facility, Martinsburg does not have procedures for record keeping and tracking pollution prevention and good housekeeping inspections of municipal facilities.
	Observation 17: At the time of the inspection, Martinsburg had not established and implemented policies and procedures to reduce the discharge of pollutants in stormwater runoff from all lands owned or maintained by the permittee and subject to this permit.
	Observation 18: At the time of the inspection, Berkeley County Parks and Recreation staff had not received training
	Observation 19: At the time of the inspection, Martinsburg had not assessed its industrial municipal activities (other than the Salt Storage Facility) to either obtain coverage under a NPDES General Permit for Stormwater Discharges or meet the monitoring requirements in the MS4 permit.

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INTRODUCTION

From May 20 through May 21, 2014, a compliance inspection team comprising staff from the U.S. Environmental Protection Agency (EPA) Region 3, and EPA's contractor, Eastern Research Group, Inc. (ERG), inspected the municipal separate storm sewer system (MS4) program of the City of Martinsburg, West Virginia. Staff from the West Virginia Department of Environmental Protection Agency (WVDEP) were present during the inspection. Discharges from Martinsburg's MS4 are authorized under WV's General NPDES Water Pollution Control Permit for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems (the Permit) in Appendix 1. The Permit identification number assigned to Martinsburg is WVR030017.

The purpose of this inspection was to obtain information that will assist EPA in assessing Martinsburg's compliance with the requirements of the Permit, as well as the implementation status of its current Stormwater Management Program. The inspection schedule is in Appendix 2.

The EPA Inspection Team obtained its information through a series of interviews with representatives from Martinsburg, along with a series of site visits, record reviews, and field verification activities. The primary representatives involved in the inspection were the following:

City of Martinsburg Representatives:	**City Manager**
	Mr. Mark Baldwin, City Manager
	Public Works Department
	Mr. Jeff Wilkerson, Public Works Director
	Mr. Steve Knipe, Utilities Director
	Mr. Jim Kelly, Assistant Utilities Director
	Planning Department
	Mr. Michael Covell, City Engineer
	Ms. Tracy Smith, City Planner
	Mr. Darby Dean, Code Official
	Mr. Tim McDonald, Building Inspector
	Fire Department
	Mr. Paul E. Bragg, Fire Chief
	City Attorney
	Mr. Kin Sayre, City Attorney
EPA Representatives:	Ms. Kyle Zieba, Enforcement Officer
	Ms. Rebecca Crane, Enforcement Officer
WVDEP Representatives:	Mr. Sebastian Donner, Stormwater Specialist
	Mr. Mike Kanehl, Industrial Inspector
	Mr. Matthew Alt, Construction Inspector
EPA Contractors:	Ms. Lauren Scott, ERG
	Ms. Daisy Wang, ERG

For a complete list of all inspection participants, please refer to the sign-in sheets in Appendix 3.

During the inspection, the EPA Inspection Team obtained documentation regarding compliance with the Permit. Pertinent information may have been obtained prior and/or after meeting with the City staff during the physical inspection, and is presented in this report as observations. The presentation of inspection observations in this report does not constitute a formal compliance determination or notice of violation. All referenced documentation is provided in Appendix 4 and photographs taken during the inspection are provided in Appendix 5. A complete list of documents obtained is provided as a Document Log in Appendix 6. Additional information submitted by the City's Public Works Director is included in Appendix 7.

The report identifies Permit requirements with specific sections cited and observations made during the inspection. The format of the report follows the numeric system used in the Permit and is sequential. Sections of the permit are restated with observations about those requirements listed below.

CITY OF MARTINSBURG BACKGROUND

Martinsburg encompasses approximately 4,256 acres of land, and is located within Berkeley County, WV. The total population of Martinsburg is estimated to be 17,668 people in 2013.[1] The MS4 discharges into the Tuscarora Creek.

Martinsburg has been developing and implementing its MS4 Program since 2004. Martinsburg's current coverage under the NPDES permit program became effective on March 31, 2011, with an expiration date of July 22, 2014. Martinsburg's Stormwater Management Program (SWMP) was approved by WVDEP on September 29, 2011.

Currently Martinsburg's MS4 program manager is the only inspector for the IDDE and municipal operations/pollution prevention portions of the MS4 Program. Martinsburg's Engineering Department has one engineer and two inspectors to implement the construction and new development/redevelopment stormwater portions of the MS4 Program. Based on a call with Martinsburg prior to the inspection, there is no stormwater fee, dedicated funding, or separate budget established for implementing its MS4 Program.

INFORMATION OBTAINED RELATIVE TO PERMIT REQUIREMENTS

Dry weather conditions were experienced throughout most of the inspection activities. Weather history reports from the National Climatic Data Center for Martinsburg indicated that there was no precipitation in the City during the field work component of the inspection activities. In addition, the weather history reports indicated that no precipitation had fallen in the three days prior to the inspection and approximately 0.46 inches had fallen in the three days following the inspection.

[1] http://quickfacts.census.gov/qfd/states/54/5452060.html

Part II.C. Stormwater Management Program for Small MS4s

Part II.C.b.3 - Illicit Discharge Detection and Elimination

The SWMP shall include an ongoing program to detect and remove illicit connections, discharges as defined in 40 CFR 122.26(b)(2), and improper disposal, including any spills not under the purview of another responding authority, into the municipal separate storm sewers owned or operated by the permittee. Newly permitted MS4s shall *begin* implementation of the requirements contained in Part II.C.3 of this permit within one year of the approval of their SWMP.

Part II.C.b.3.a

The Permittees existing municipal storm sewer system maps that were created during the first permit cycle shall be updated on an annual basis and shall include the following information:

i. The location of all known storm sewer outfalls, receiving waters and structural stormwater BMPs owned, operated or maintained by the permittee. The location and type of all other stormwater conveyances located within the boundaries of the permittees MS4 watershed. The permittee may opt to include land use on the map also. In the process of updating the map, when stormwater outfalls become known, they are to be added to the permittees map.
ii. An update of known connections to the municipal separate storm sewer authorized or allowed by the permittee after the effective date of this permit.
iii. Geographic areas that discharge stormwater into the permittees MS4, which may not be located within the municipal boundary.
iv. Each permittee shall maintain their storm sewer system map at their local office, and make it available upon request. Any paper maps submitted to DWWM shall be a scale of 1" = 500 ft. and on pages sized 24"x36" or 22"x36" and folded to 8 x 11 inches.

Observation 1: At the time of the inspection, Martinsburg did not have an updated map of the storm sewer system that included the location of all outfalls, receiving waters, structural stormwater BMPs owned, operated, or maintained by the City, known connections, and stormwater conveyances within the MS4 watershed. Partial maps have been developed (see Exhibit 1 in Appendix 4) and were as part of the Site Registration Form (see Appendix 1). The City Engineer told the EPA Inspection Team that the GIS database does have information about storm structures, but a map has not been developed using this data.

The EPA Inspection Team visited the Public Works Building and observed an unmapped stormwater conveyance ditch surrounding the property that discharges into the onsite stormwater pond (see Photograph 1 in Appendix 5).

All outfalls where Martinsburg's MS4 discharges into waters of the state have not been fully identified. The EPA Inspection Team visited Outfall 16 (see Photographs 2 and 3 in Appendix 5) and was told it was constantly

flowing with a significant amount of water. WVDEP suggested that it may be an unnamed tributary to the Tuscarora Creek and that a discharge point upstream of Outfall 16 may be the actual location of the outfall where the City's MS4 discharges into this piped tributary.

Part II.C.b.3.b

Each permittee shall implement a program or system to review and update their Illicit Discharge Detection and Elimination (IDDE) Ordinance or other regulatory mechanism to effectively prohibit and eliminate non-stormwater, illegal discharges, and/or dumping into the permittees municipal separate storm sewer system to the regulatory extent allowable under State and Local law. The ordinance or other regulatory mechanism shall be reviewed on an annual basis and updated when necessary. The IDDE program shall be adequately funded to fulfill the general permit requirements.

Observation 2: It appears, Martinsburg has not enacted a stormwater fee or provided separate stormwater specific funding for its IDDE program to fulfill the general permit requirements (see Background section of the report for information on funding).

Part II.C.b.3.b.ii

The regulatory mechanism shall prohibit the following categories of nonstormwater discharges *unless* the stated conditions are met:

- Discharges from potable or non-potable water sources, including but not limited to; hyperchlorinated water line flushing, pipeline hydrostatic test water and other water discharges with a potential to violate water quality standards. For planned discharges to the MS4, the discharge shall be dechlorinated to a concentration of 0.1ppm or less, pH adjusted, if necessary, and volumetrically and velocity controlled to prevent resuspension of sediments in the MS4.

Observation 3: At the time of the inspection, potable water from the truck filling station at the Kilmer Springs Water Treatment Plant flowed into a trench drain connected to the MS4 and discharged to the Tuscarora Creek. (see Photograph 42 in Appendix 5). During the inspection, the Utilities Director stated that the treated water had a chlorine level between 1.0 and 1.5 ppm.

Part II.C.b.3.b.vi

The permittee shall develop an enforcement strategy and implement the enforcement provisions of the ordinance or other regulatory mechanism.

Observation 4: It appears Martinsburg is not implementing or utilizing the enforcement provisions of its ordinance (see Exhibit 2 in Appendix 4) to eliminate illicit discharges. The Annual Report for activities from September 30, 2012, to September 29, 2013, (see Exhibit 3 in Appendix 4) stated that an

illicit discharge from a car wash was discovered, but no enforcement action was taken beyond speaking to someone at the establishment. The business moved out of the City limits so it is unknown when the illicit discharge was resolved. The Public Works Director confirmed this verbally with the EPA Inspection Team during the inspection.

Part II.C.b.3.c

Each permittee shall continue to assess, update and implement their ongoing program to detect and address non-stormwater discharges, spills, illicit connections and illegal dumping into the permittees MS4. New permittees shall develop the aforementioned program. This program shall include:

i. Procedures for locating priority areas likely to have illicit discharges, including at a minimum, evaluating land uses associated with business/industrial activities present; areas where complaints have been registered in the past; and areas with storage of large quantities of materials that could result in spills.

ii. Field assessment activities, including visual inspection of priority outfalls identified in i, above, during dry weather and for the purposes of verifying outfall locations, identifying previously unknown outfalls, and detecting illicit discharges.
   - Receiving waters shall be prioritized for visual inspection no later than three years from the effective date of this permit, including a field assessment of at least two water bodies. At a minimum, one field assessment shall be made each year thereafter.
   - Screening for illicit connections shall be conducted consistent with: Illicit Discharge Detection and Elimination: A Guidance Manual for Program Development and Technical Assessments, Center for Watershed Protection, October 2004, or another methodology of comparable effectiveness.

iii. Procedures for characterizing the nature of, and potential public or environmental threat posed by, any illicit discharges found by or reported to the Permittee. Procedures shall include detailed instructions for evaluating whether the discharge must be immediately contained and steps to contain the discharge.

   Compliance with this provision shall be achieved by investigating within fifteen (15) days, any complaints, reports or monitoring information that indicates a potential illicit discharge, spill, or illegal dumping, and immediately investigating problems and violations determined to be emergencies or otherwise judged to be urgent or severe. In some instances, when imminent water quality impairments are deemed severe or urgent, the incident should be referred to WVDEP.

iv. Procedures for tracing the source of an illicit discharge; including visual inspections, and when necessary, opening manholes, using mobile cameras, collecting and analyzing water samples, and/or other detailed inspection procedures.

v. Procedures for removing the source of the discharge; including notification of appropriate authorities; notification of the property owner; follow up inspections, and if necessary; escalating enforcement and legal actions if the discharge is not eliminated.

   Compliance with this provision shall be achieved by initiating an investigation within fifteen (15) days of a report or discovery of a suspected illicit connection to determine the source of the connection, the nature and volume of discharge through the connection, and

the party responsible for the connection. The permittee shall establish a system to prioritize responding to and verifying elimination of illicit connections. The permittee shall assign a higher priority on illicit connections that pose an imminent threat to water quality.

Observation 5: At the time of the inspection, Martinsburg was not implementing a program to detect and address non-stormwater discharges, spills, illicit connections and illegal dumping into the permittees MS4. Martinsburg does not have procedures to locate priority areas and outfalls likely to have illicit discharges. Martinsburg does not conduct visual inspections of priority outfalls. The Public Works Director stated that the current IDDE inspections focus on visual inspections of storm drains rather than outfalls. The Public Works Director stated that only Outfall 16 (see Exhibit 1 in Appendix 4) is inspected by the City. Martinsburg records observations from IDDE visual inspections of storm grates/catch basins. An inspection form does not exist for outfalls. Martinsburg has not prioritized receiving waters for visual inspection.

The EPA Inspection Team visited Outfall 17, which is also always flowing with water. The Public Works Director noted that sediment was visible in the gutter near Outfall 17 (see Photograph 4 in Appendix 5) and said he would contact a street sweeper.

The EPA Inspection Team observed a pile of bricks, rocks, asphalt, and debris (see Photograph 5 in Appendix 5) approximately 30 feet upstream from the unnamed tributary at Outfall 16.

The EPA Inspection Team visited the “Round House” off of Pennsylvania Avenue, to inspect a culvert at its discharge point into the Tuscarora Creek. This is the southernmost outfall (not numbered) east of Boyd Avenue on Map 2 (see Exhibit 1 in Appendix 4). The EPA Inspection Team observed “sludge worms” (Tubifex tubifex) (see Photograph 6 in Appendix 5) in the stream bed at the discharge point into the creek. A sanitary sewer line crosses over the culvert and the EPA Inspection Team smelled a sewage odor. The City has taken action to address this observation since EPA’s on-site inspection (see Appendix 7).

The EPA Inspection Team visited the Martinsburg Mall and observed a grease trap behind the Las Trancas Restaurant with the lid open adjacent to a storm drain (see Photograph 7 in Appendix 5). The secondary containment for the grease trap was compromised. Staining on the ground was visible indicating that grease had flowed into the storm drain (see Photograph 8 in Appendix 5). The storm drain had evidence of grease within it (see Photograph 9 in Appendix 5). The City has taken action to address these observations since EPA’s on-site inspection (see Appendix 7).

The EPA Inspection Team visited the Apple Valley Outfall and observed erosion (see Photograph 10 in Appendix 5) around large pieces of rip rap before water enters a culvert and discharges into a pond on South Louisiana Avenue. The City has taken action to address this observation since EPA's on-site inspection (see Appendix 7).

Observation 6: At the time of the inspection, Martinsburg did not have procedures that outline how to characterize the nature of illicit discharges, trace the source of an illicit discharge, and remove the source of an illicit discharge.

Part II.C.b.4 - Controlling Runoff from Construction Sites

Part II.C.b.4.b.ii

In addition to an Ordinance described in Part II, Section C.4.a, the following elements shall be incorporated into this program: Procedures for routine inspections of permitted construction sites during construction to verify proper installation and maintenance of required erosion and sediment controls. Enforcement shall be conducted as necessary based on the inspection.

Observation 7: It appears Martinsburg does not have procedures for routine inspections of permitted construction sites during construction to verify proper installation and maintenance of required erosion and sediment controls (ESC). The two City inspectors (the Code Official and the Building Inspector) are responsible for conducting ESC inspections, in addition to all other types of construction and building inspections. Inspections, in general, are scheduled when contractors request an inspection by calling the City Engineering Department. All inspection requests are tracked in a schedule book kept by a secretary in the Engineering Department (see Exhibit 4 in Appendix 4). Currently, Martinsburg's inspectors do not conduct pre-construction meetings or regular inspections that are focused on ESC.

The Code Official stated that when he goes to a construction site to conduct a requested inspection, he will also look for ESC issues. If he identifies ESC issues, the Code Official stated that he will typically ask the site superintendent to correct the action immediately. The Code Official does not set a date for re-inspection to confirm that issues were corrected, but will check for compliance the next time he's requested to be on site.

On May 20, 2014, the EPA Inspection Team shadowed the Code Official on an ESC inspection of the McDonalds construction site located at 1333 Edwin Miller Boulevard (see Observation 6 for additional details). The Code Official stated that the contractor requested 10 – 15 inspections in the past two months. Based on the inspection schedule book, in the past two months the Code Official and the Building Inspector have both been

assigned to inspect the McDonalds construction site, but the inspection requests are not primarily focused on ESC (see Exhibit 4 in Appendix 4).

Observation 8: It appears Martinsburg does not provide standard operating procedures (SOPs) to the construction inspectors for conducting ESC inspections and verifying proper installation and maintenance of required erosion and sediment controls. Martinsburg has an ESC inspection form (see Exhibit 5 in Appendix 4) but the Code Official stated that he does not always fill out an inspection checklist and typically informs the site superintendent of ESC issues directly. The Code Official also told the EPA Inspection Team that he may review the construction plans prior to conducting an inspection for complex projects, but may not for the simpler ones.

On May 20, 2014, the EPA Inspection Team shadowed the Code Official on an ESC inspection of the McDonalds construction site. While on site, the Code Official walked the perimeter of the site with the EPA Inspection Team and the site superintendent, but told the EPA Inspection Team that he does not typically walk the perimeter. While walking the perimeter, the Code Official observed that there was sediment on the road outside of the rock construction entrance (RCE), and asked the site superintendent to sweep the road (see Photographs 11 and 12 in Appendix 5). In addition, the EPA Inspection Team made the following observations with regards to ESCs that were not addressed on site by the Code Official:

- ESCs were not installed according to the erosion and sediment control plans (see Exhibit 6 in Appendix 4):
  - SiltSoxx™ was not installed all the way to the end of the southwestern perimeter of the construction site, near the RCE (see Photograph 13 in Appendix 6),
  - The RCE was installed directly over paved road, was not 6" in depth, and did not have filter cloth installed beneath the aggregate (see Photograph 11 in Appendix 6).
- The spoils stockpile had been moved from its designated location in the northwest corner to the northern edge of the site and sediment was spilling over the SiltSoxx™ placed beside it (see Photographs 14 and 15 in Appendix 6).
- The Code Official told the EPA Inspection Team that contractors were occasionally opening the fence along the eastern perimeter and using it to make deliveries, but that area is not designated as a construction entrance (see Photograph 16 in Appendix 6).

On May 20, 2014, the EPA Inspection Team shadowed the Building Inspector on an inspection of Lot 343 (116 Tarkay Place) in The Gallery, which is a residential subdivision. The Building Inspector told the EPA Inspection Team that he does not have an inspection SOP to follow. He stated that he does not usually review the ESC plan prior to inspection, does not walk the perimeter of the site, will sometimes take photographs,

and only fills out an inspection checklist if there is an issue. The Building Inspector also stated that his standard responsibilities are for "the house and ten feet out". While on site, the EPA Inspection Team observed that there were two curb inlets located down the street from the construction site and that the inlets had sediment, hay, and other debris inside (see Photographs 17 and 18 in Appendix 5). In addition, the EPA Inspection Team was informed by WVDEP's Construction Inspector that the builder, Dan Ryan Builders, was using undeveloped land within The Gallery subdivision as a stockpile area and dumping ground for limestone that was excavated when constructing the building foundations (see Photographs 19, 20, and 21 in Appendix 5). The Building Inspector did not bring up this detail with the EPA Inspection Team.

The City Engineer told the EPA Inspection Team that Martinsburg's new 2013 stormwater ordinance has more specific requirements regarding conducting stormwater inspections. The new ordinance also gives Martinsburg authority to issue stop work orders (see Exhibit 2, pages 47-48 in Appendix 4). As of May 2014, they have never issued a stop work order.

Part II.C.b.4.b.vi

In addition to an Ordinance described in Part II, Section C.4.a, the following elements shall be incorporated into this program: Development of procedures for keeping records of all regulated construction activities within your MS4, inspection reports, warning letters, and any other enforcement documentation. A summary of inspection and enforcement activities that are conducted shall be included in the annual report.

Observation 9: At the time of the inspection, Martinsburg had not developed procedures for keeping records of all regulated construction activities within its MS4, inspection reports, warning letters, or any other enforcement documentation. Martinsburg submitted a spreadsheet with general information about construction sites to the EPA Inspection Team, but it does not contain any information related to routine construction inspections (see Exhibit 7 in Appendix 4). Inspection reports, if generated, are kept in the inspector's personal log book, or in the "Street File." This is a physical file folder containing status information about the site, such as owner contact information, building permits, etc. The EPA Inspection Team requested that the City submit all available inspection checklists, documentation of inspection follow-up or enforcement actions, and documentation for any follow-up actions taken after the EPA Inspection Team site visit for the McDonalds construction site, the Taco Bell construction site (located on 1359 Edwin Miller Boulevard), and The Gallery construction site Lots 330, 343, and 353. The EPA inspection team only received completed inspection checklists for inspections

conducted on June 5, 2014, for McDonalds, Taco Bell, and The Gallery Lots 340 and 353 (see Exhibit 8 in Appendix 4).

Observation 10: It appears Martinsburg does not have staff dedicated to overseeing ESC inspections for the city-owned construction project at the Martinsburg Wastewater Treatment Plant (WWTP). The EPA Inspection Team visited the Martinsburg WWTP construction site on May 20, 2014. City staff stated that an engineer from a consulting company conducts oversight ESC inspections on behalf of the City. However, when the consultant engineer arrived on site, he told the EPA Inspection Team that his company is not contractually obligated to conduct those inspections. The EPA Inspection Team learned that the consulting company is responsible for approving the ESC plans, and that various staff from the construction contractor conduct weekly ESC inspections in order to fulfill the requirements of the WV NPDES permit.

Part II.C.b.5 - Controlling Runoff from New Development and Redevelopment

Part II.C.b.5.a.ii - Site and Neighborhood Design

D. Inventory and Tracking of Management Practices

The permittee shall develop a system designed to track stormwater management practices deployed at new development and redevelopment projects. Tracking of stormwater management practices shall begin during the plan review and approval process with a database or geographic information system (GIS). The database or tracking system shall include information on both public and private sector projects that are within the jurisdiction of the permittee. In addition to the standard information collected for all projects (such as project name, owner, location, start/end date, etc.), the tracking system shall also include:

1. Source control stormwater management practices (type, number, design or performance specifications)
2. Treatment control stormwater management practices (type, number, design or performance specifications)
3. Latitude and longitude coordinates of stormwater BMP controls using a global positioning System
4. Digital photographs of stormwater management practice controls
5. Maintenance requirements of stormwater management practices (frequency of required maintenance and inspections)
6. Inspection information (date, findings, follow up activities, compliance status)

Observation 11: At the time of the inspection, Martinsburg did not have a tracking system for stormwater management BMPs. The City Engineer told the EPA Inspection Team that the as-builts for stormwater management BMPs are kept in the “Site Plan Case Files,” which are physical file folders containing plan review documents. The newer Site Plan Case Files are stored in the Engineering Department, but due to lack of storage space are moved off-site for long term storage. In addition, if a notice of violation

(NOV) is issued for a BMP, the physical NOV is stored in the Street File for five years (see Observation 7 for a description of the Street File). Aside from the as-builts in the Site Plan Case Files and the NOV letters in the Street Files, there is no other tracking system for its existing universe BMPs.

It is the EPA Inspection Team's understanding that the Code Official and Building Inspector will not inspect that installation of stormwater management facilities are per the specifications during its construction. Rather, the Code Official and Building Inspector will observe the sequence of installation and construction.

At the time of the inspection, the City Engineer was not aware of a maintenance agreement for stormwater management facilities on publicly owned property.

The City Engineer informed the EPA Inspection Team that as a result of its new 2013 stormwater ordinance, they will begin to track information for stormwater management BMPs. Since the new ordinance became effective, only one construction project plan, for an Enterprise Rent-a-Car facility, has been submitted to Martinsburg; this will be the first project to meet the new ordinance requirements. After the EPA on-site inspection, the City Engineer submitted a Stormwater Management Compliance Tracker spreadsheet to demonstrate the types of data that will be collected for future BMPs (see Exhibit 9 in Appendix 4).

E. Stormwater BMP Inspections

In order to ensure that all stormwater BMPs are operating correctly and are properly maintained, the permittee shall, at a minimum:

1. Develop an inspection calendar for stormwater BMPs. Inspections should be performed so that all stormwater BMP's are inspected at least once during the permit cycle.

Observation 12: At the time of the inspection, Martinsburg had not developed an inspection calendar for stormwater BMPs so that all stormwater BMP's are inspected at least once during the permit cycle. Martinsburg does not conduct inspections of structural stormwater BMPs unless they receive a citizen complaint. The City Engineer stated that complaints are typically regarding tall grass or trash and debris. Martinsburg does not have one primary method or phone number for receiving complaints. The City Engineer explained to the EPA Inspection Team that citizen complaints may be received by any employee at City Hall and the complaint gets relayed to the City Engineer in the Engineering Department. All types of complaints are usually addressed by the Code Enforcement Official, but as of the EPA Inspection, that position had been vacant for approximately 3

weeks. In the interim, complaints regarding stormwater BMPs are assigned to either the Code Official or the Building Inspector.

Martinsburg currently does not track information about the complaints received or the inspections conducted (see Observation 9). If the inspection results in a NOV, the physical letter will be kept for at least five years in the site Street File (see Observation 7 for a description of the Street File).

On May 21, 2014, the EPA Inspection Team shadowed the City Engineer on an inspection of the Foxcroft Meadows dry pond. The Code Official and the Building Inspector were not available to conduct an inspection at this time. The owner of the Foxcroft Meadows dry pond received an NOV in 2012 for repeated vegetation maintenance issues. It is unclear if a subsequent inspection to ensure completion of all required repairs was conducted since the NOV was issued. While on site, the City Engineer observed what appeared to be a sink hole developing and there was a groundhog burrow near the pond's spillway (see Photographs 22 and 23 in Appendix 5). On June 6, 2014, the City Engineer followed up with the site owner with a letter summarizing the status of the pond on the day of the EPA inspection (see Exhibit 10 in Appendix 4).

Part II.C.b.5.a.ii.E.2

Complete inspection reports shall include:

i. Facility type,
ii. Inspection date,
iii. Name and signature of inspector,
iv. GIS location and nearest street address,
v. Management practice ownership information (name, address, phone number, fax, and email),
vi. A description of the stormwater BMP condition including the quality of: vegetation and soils; inlet and outlet channels and structures; embankments, slopes, and safety benches; spillways, weirs, and other control structures; and sediment and debris accumulation in storage and forebay areas as well as in and around inlet and outlet structures,
vii. Photographic documentation of all critical stormwater BMP components, and viii. Specific maintenance items or violations that need to be corrected by the stormwater BMP owner along with deadlines and reinspection dates.

Observation 13: At the time of the inspection, stormwater BMP inspection reports did not include complete information. Martinsburg does not provide its inspectors with a SOP for conducting inspections of public and private stormwater management BMPs, including procedures for completing an inspection report. On May 21, 2014, the EPA Inspection Team shadowed the Building Inspector on an inspection of a city-owned dry pond at the Martinsburg Water Tower and a private dry pond at The Gallery. The

Building Inspector told the EPA Inspection Team that he does not usually inspect stormwater management BMPs, but since the Code Enforcement Official position has been vacant, he has been responding to complaints. He stated that that he does not typically review the as-builts for the site prior to inspection, and that his typical responsibilities are checking if the BMP is mowed and checking the inlets and outlets. The Building Inspector does not use a checklist for stormwater management BMP inspections and did not take notes while on site.

At the Martinsburg Water Tower, the City Engineer and the Building Inspector stated that they could not gain access inside the locked gate to view the dry pond, because the property is owned and maintained by the Water Department and Public Works. They stated that the Public Works department mows the site. The Building Inspector led the EPA Inspection Team around the fence line, where they could see the end of the pond and the top of the weir (see Photograph 24 in Appendix 5).

At the time of the inspection, the Building Inspector stated that he was not familiar with the stormwater management facility at the Martinsburg Water Tower, nor was he aware of the location of the stormwater management facility at The Gallery.

At The Gallery dry pond, the Building Inspector said that he does not walk the perimeter of the pond, since he can see most of the pond from one location. He also told the EPA Inspection Team that he would recommend keeping the grass at the current length. Along with the City Engineer, the EPA Inspection Team walked around the pond towards the outfall and observed the following:

- Overgrown vegetation near the inlet to the pond and along the bottom of the pond (see Photographs 25 and 26 in Appendix 5).
- A partially unstabilized sediment stockpile located inside the pond (see Photograph 27 in Appendix 5).
- Trash and debris located near an inlet to the pond, along the bottom of the pond, and near the outfall of the pond (see Photographs 28 through 31 in Appendix 5).
- Rill erosion along the bottom of the pond near one of the inlets to the pond and near the outfall (see Photographs 32 and 33 in Appendix 5).

Although the Building Inspector did not take note of status of the pond while on site, the City Engineer followed up with the property manager on May 22, 2014, summarizing the status of the pond via e-mail. The City Engineer submitted documentation of this follow-up to the EPA Inspection Team (see Exhibit 11 in Appendix 4).

Part II.C.b.6 - Pollution Prevention & Good Housekeeping for Municipal Operations

Each permittee shall continue to implement their operations and maintenance (O&M) program that includes a training component and has the ultimate goal of preventing or reducing polluted runoff from municipal operations. Newly permitted MS4s shall have one year from the approval date of their SWMP to *begin* implementation of the requirements contained in Part II.C.6 of this permit.

Part II.C.b.6.a

Develop and implement an operation and maintenance program that incorporates good housekeeping components at all municipal facilities, including but not limited to; municipal waste water treatment facility, potable drinking water facility, municipal fleet operations, maintenance garages, parks and recreation, street and infrastructure maintenance, and grounds maintenance operations.

i. Each permittee shall develop and establish maintenance standards at all municipal facilities that will help protect the physical, chemical and biological integrity of receiving waters.
ii. Each permittee shall establish an inspection schedule in which to perform inspections to determine if maintenance standards are being met. Inspections shall be performed no less than once per calendar year.
iii. Each permittee shall develop procedures for record keeping and tracking inspections and maintenance at all municipal facilities.

Observation 14: At the time of the inspection, Martinsburg had not developed and implemented an operation and maintenance program that incorporates good housekeeping components at all municipal facilities. (see Exhibit 3 in Appendix 4). The Public Works Director told the EPA Inspection Team that the City is in the early stages of developing a pollution prevention plan that will include inspection protocols. The goal for pollution plan implementation is September 2014.

Observation 15: Except for the Recycling Center/Salt Storage Facility, Martinsburg has not established and implemented an inspection schedule for municipal facilities to determine if maintenance standards are being met at no less than once per calendar year. (see Exhibit 3 in Appendix 4). The Public Works Director stated that garbage truck drivers at the Public Works Building perform daily inspections of vehicles, but the inspection does not focus on stormwater topics and there is no inspection protocol for the entire site outside of the vehicle maintenance.

Observation 16: Except for the Recycling Center/Salt Storage Facility, Martinsburg does not have procedures for record keeping and tracking pollution prevention and good housekeeping inspections of municipal facilities (see Exhibit 3 in Appendix 4).

Part II.C.b.6.b

Establish and implement policies and procedures to reduce the discharge of pollutants in stormwater runoff from all lands owned or maintained by the permittee and subject to this permit, including but not limited to: parks, open space, road right-of-way, maintenance yards, water/sewer infrastructure and stormwater treatment and flow practices. These policies and procedures shall address, but are not limited to:

i. Application of fertilizer, pesticides, and herbicides including the development of nutrient management and integrated pest management plans.
ii. Sediment and erosion control.
iii. Landscape maintenance and vegetation disposal.
iv. Trash management.
v. Building exterior cleaning and maintenance.
vi. Chemical and material storage.
vii. Street sweeping and inlet/catch basin cleaning.

Observation 17: At the time of the inspection, Martinsburg had not established or implemented policies and procedures to reduce the discharge of pollutants in stormwater runoff from all lands owned or maintained by the permittee and subject to this permit.

The EPA Inspection Team visited the Public Works Building and observed the following:

- Stormwater inlet repair initiated a week prior to EPA's inspection.
- Area next to the collapsed stormwater inlet where vehicles are washed using detergents.
- Old paint cans stored outside on the ground without secondary containment (see Photograph 34 in Appendix 5); a black stain was observed near the pile (see Photograph 35 in Appendix 5).
- A small pile of loose asphalt stored on the ground without containment (see Photograph 36 in Appendix 5).
- Staining on the ground that had a hydrocarbon odor underneath a vehicle (see Photograph 37 in Appendix 5).
- A garbage truck with a leaking seal that was discharging into a bucket on the ground (see Photograph 38 in Appendix 5).
- Erosion and scouring within the onsite stormwater pond (see Photograph 39 in Appendix 5).
- Two 55-gallon drums in the woods (see Photograph 40 in Appendix 5).
- Old terra cotta pipes in the undergrowth.

The EPA Inspection Team visited the Kilmer Springs Water Treatment Plant and observed the following:

- A portable toilet near the footbridge and next to the Tuscarora Creek.

- Staining on the ground in the gravel parking lot near the rain garden (see Photograph 41 in Appendix 5).
- Treated water from the truck fill station draining into a grate drain (see Photograph 42 in Appendix 5) that ties into the MS4 and discharges into Tuscarora Creek from an outfall.
- An outfall discharging pumped water from around the foundation of the pump room into the Tuscarora Creek (see Photographs 43 and 44 in Appendix 5).

The EPA Inspection Team visited the Recycling Center/Salt Storage Facility, which is covered under the NPDES industrial stormwater permit (#WV0111457) and observed the following:

- A SWPPP.
- Salt spilled outside of the back of the dome (see Photograph 45 in Appendix 5).
- No spill kit on site.

The EPA Inspection Team visited the Fire Department. The Fire Chief stated during the inspection that fire house vehicles are washed with car soap in an outside driveway that drains to the MS4 system (see Photograph 46 in Appendix 5). In addition, there was no policy or procedure for the pumpout of the wastewater tank from washing vehicles inside.

The EPA Inspection Team visited a Parks and Recreation Department Building/Maintenance Shop in War Memorial Park, which is owned by the city and maintained by the Parks and Recreation Department and observed the following:

- There was no spill kit on site.
- Debris outside including old paint buckets and rollers (see Photographs 47 and 48 in Appendix 5).

Part II.C.b.6.c

Using training materials that are available from WVDEP, USEPA or other organizations, develop and implement an on-going training program for employees of the permittee whose construction, operations or maintenance job functions may impact stormwater quality. The training program shall include, but is not limited to, employees who work in the following areas:

- Street/sewer and right-of-way construction and maintenance,
- Water and sewer departments,
- Parks and recreation department,
- Municipal water treatment and waste water treatment,
- Fleet maintenance,
- Fire departments,
- Building maintenance and janitorial,
- Garage and mechanic crew,

- Contractors and subcontractors who may be contracted to work in the above described areas,
- Personnel responsible for answering questions about the permittees stormwater program, this includes persons who may take phone calls about the program,
- Any other department of the permittee that may impact stormwater runoff.

i. The training program shall address the importance of protecting water quality, the requirements of this permit, operation and maintenance standards, inspection procedures, selecting appropriate BMPs, ways to perform their job activities to prevent or minimize impacts to water quality, and procedures for reporting water quality concerns, including potential illicit discharges. Follow-up and refresher training shall be provided at a minimum of once every twelve months, and shall include any changes in procedures, techniques or requirements. Permittees shall document and maintain records of training provided.

Observation 18: At the time of the inspection, Berkeley County Parks and Recreation staff, as the operators at City-owned properties, had not received training addressing the importance of protecting water quality, the requirements of this permit, operation and maintenance standards, inspection procedures, selecting appropriate BMPs, ways to perform their job activities to prevent or minimize impacts to water quality, and procedures for reporting water quality concerns, including potential illicit discharges.

Part II.C.b.6.d - Industrial Stormwater coverage for Municipal Operations

Each permittee that owns or operates a publicly owned treatment works, including sanitary boards, maintenance garages and/or any other industrial activity must obtain coverage for their stormwater discharges, unless coverage is already granted under DWWM WV/NPDES General Permit for Storm Water Discharges associated with Industrial activity, or an individual WV/NPDES permit.

Observation 19: At the time of the inspection, Martinsburg had not assessed all of its industrial municipal activities (other than the Salt Storage Facility) to either obtain coverage under a NPDES General Permit for Stormwater Discharges or meet the monitoring requirements in the MS4 permit.